

AMENDED IN SENATE JUNE 20, 2002
AMENDED IN ASSEMBLY MAY 23, 2002
AMENDED IN ASSEMBLY APRIL 22, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2771

Introduced by Assembly Member Migden

February 25, 2002

An act to amend ~~Section 1253~~ *Sections 1253 and 1258* of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2771, as amended, Migden. Unemployment insurance: benefits.

Existing law provides for the payment of unemployment compensation benefits during the period that a person is unemployed. Existing law imposes various conditions on the payment of compensation, including work search requirements.

This bill would require that no additional ~~eligibility, suitable work, or seek-work~~ *work-search or suitable employment* requirements be placed upon an individual because he or she has worked for a temporary services or leasing employer.

The bill would also require the Employment Development Department to contract with an organization meeting specific criteria to study the unemployment system as it relates to temporary-help industry employees, as specified, and to submit the study to the Legislature by January 1, 2004. By directing that the study contract be

funded through moneys placed in the Unemployment Trust Fund for use for purposes specified under federal law, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1253 of the Unemployment Insurance
2 Code is amended to read:
3 1253. ~~(a)~~—An unemployed individual is eligible to receive
4 unemployment compensation benefits with respect to any week
5 only if the director finds that:
6 ~~(1)~~—
7 (a) A claim for benefits with respect to that week has been
8 made in accordance with authorized regulations.
9 ~~(2)~~—
10 (b) He or she has registered for work, and thereafter continued
11 to report, at a public employment office or any other place as the
12 director may approve. Either or both of the requirements of this
13 subdivision may be waived or altered by authorized regulation as
14 to partially employed individuals attached to regular jobs.
15 ~~(3)~~—
16 (c) He or she was able to work and available for work for that
17 week.
18 ~~(4)~~—~~He~~
19 (d) *He or she* has been unemployed for a waiting period of one
20 week as defined in Section 1254, unless this waiting period has
21 been waived pursuant to Section 8571 of the Government Code.
22 ~~(5)~~—
23 (e) He or she conducted a search for suitable work in
24 accordance with specific and reasonable instructions of a public
25 employment office. *No additional work search requirements shall*
26 *be imposed on an individual because he or she has worked for a*
27 *temporary services or leasing employer.*
28 ~~(6)~~—
29 (f) He or she participated as required by the director in
30 reemployment activities, such as orientation and assessment if the
31 individual has been identified pursuant to an automated profiling



1 system as likely to exhaust regular unemployment benefits unless
2 the individual has shown good cause for failure to participate.

3 ~~(b) Notwithstanding any other provision of this division, no~~
4 ~~additional eligibility, suitable work, or seek work requirements~~
5 ~~shall be placed upon an individual because he or she has worked~~
6 ~~for a temporary services or leasing employer.~~

7 SEC. 2. *Section 1258 of the Unemployment Insurance Code*
8 *is amended to read:*

9 1258. “Suitable employment” means work in the
10 individual’s usual occupation or for which he *or she* is reasonably
11 fitted, regardless of whether or not it is subject to this division.

12 In determining whether the work is work for which the
13 individual is reasonably fitted, the director shall consider the
14 degree of risk involved to the individual’s health, safety, and
15 morals, his *or her* physical fitness and prior training, his *or her*
16 experience and prior earnings, his *or her* length of unemployment
17 and prospects for securing local work in his *or her* customary
18 occupation, and the distance of the available work from his *or her*
19 residence, and ~~such~~ *any* other factors as would influence a
20 reasonably prudent person in the individual’s circumstances.

21 *In determining whether the work is work for which the*
22 *individual is reasonably fitted, the director shall not impose*
23 *additional suitable employment requirements upon an individual*
24 *because he or she has worked for a temporary services or leasing*
25 *employer.*

26 SEC. 3. The Employment Development Department shall
27 contract with a nonprofit, nonpartisan, independent academic, or
28 research organization to assess the rate at which temporary-help
29 industry employees are unemployed relative to the total labor
30 force, the degree to which the temporary-help industry has
31 relieved its client industries of the burden of compensating the
32 unemployed, and the adequacy of California’s unemployment
33 system for insuring the unemployed and internalizing the cost of
34 compensation. The study shall be completed and submitted to the
35 Legislature no later than January 1, 2004. From the funds
36 transferred to the state’s Unemployment Trust Fund pursuant to
37 subsection (d) of Section 1103 of Title 42 of the United States
38 Code, three hundred thousand dollars (\$300,000) shall be utilized

- 1 to pay for the Employment Development Department's costs to
- 2 contract for the study.

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